

CWP-12241-2010 (O&M) & connected cases    1

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(204)

CWP-12241-2010 (O&M)  
Date of Decision : October 23, 2024

Jaskaran Singh and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

(2)

CWP-4256-2011

Lakhwinder Singh and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

(3)

CWP-21973-2010

Harcharan Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

(4)

CWP-2860-2011

Harjinder Pal and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

(5)

CWP-2780-2011

Sandeep Singh and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

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|                             |                |                |
|-----------------------------|----------------|----------------|
| (6)                         | CWP-2811-2011  |                |
| Davinder Singh              |                | .. Petitioner  |
|                             | Versus         |                |
| State of Punjab and another |                | .. Respondents |
| (7)                         | CWP-12711-2011 |                |
| Parveen Kumar               |                | .. Petitioner  |
|                             | Versus         |                |
| State of Punjab and another |                | .. Respondents |
| (8)                         | CWP-8338-2011  |                |
| Jagmohan Singh and another  |                | .. Petitioners |
|                             | Versus         |                |
| State of Punjab and another |                | .. Respondents |
| (9)                         | CWP-14497-2011 |                |
| Amrinder Singh              |                | .. Petitioner  |
|                             | Versus         |                |
| State of Punjab and another |                | .. Respondents |
| (10)                        | CWP-20304-2011 |                |
| Chander Shekher             |                | .. Petitioner  |
|                             | Versus         |                |
| State of Punjab and another |                | .. Respondents |
| (11)                        | CWP-23952-2011 |                |
| Jagjit Singh                |                | .. Petitioner  |
|                             | Versus         |                |
| State of Punjab and another |                | .. Respondents |

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(12)

CWP-18127-2011

Sandeep Kumar and another

Versus

State of Punjab and another

.. Petitioners

.. Respondents

(13)

CWP-18059-2011

Bhavneet Kainth

Versus

State of Punjab and others

.. Petitioner

.. Respondents

(14)

CWP-12671-2011

Jaspal Singh

Versus

State of Punjab and another

.. Petitioner

.. Respondents

(15)

CWP-20694-2010

Harbakhsh Singh and others

Versus

State of Punjab and others

.. Petitioners

.. Respondents

(16)

CWP-19091-2010

Kuldeep Singh and others

Versus

State of Punjab and another

.. Petitioners

.. Respondents

(17)

CWP-18470-2010

Sukhwinder Singh and others

Versus

State of Punjab and others

.. Petitioners

.. Respondents

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|                             |                |                |
|-----------------------------|----------------|----------------|
| (18)                        | CWP-19397-2009 |                |
| Balwinder Kaur              |                | .. Petitioner  |
|                             | Versus         |                |
| State of Punjab and others  |                | .. Respondents |
| (19)                        | CWP-20117-2010 |                |
| Suresh Kumar and others     |                | .. Petitioners |
|                             | Versus         |                |
| State of Punjab and another |                | .. Respondents |
| (20)                        | CWP-16332-2012 |                |
| Rakesh Kumar                |                | .. Petitioner  |
|                             | Versus         |                |
| State of Punjab and others  |                | .. Respondents |
| (21)                        | CWP-19344-2010 |                |
| Amit Aneja and others       |                | .. Petitioners |
|                             | Versus         |                |
| State of Punjab and another |                | .. Respondents |
| (22)                        | CWP-25741-2012 |                |
| Vinod Kumar and others      |                | .. Petitioners |
|                             | Versus         |                |
| State of Punjab and others  |                | .. Respondents |
| (23)                        | CWP-1453-2011  |                |
| Baljit Singh and others     |                | .. Petitioners |
|                             | Versus         |                |
| State of Punjab and another |                | .. Respondents |

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|                             |                                                                   |                |
|-----------------------------|-------------------------------------------------------------------|----------------|
| (24)                        | CWP-18462-2010 (O&M)                                              |                |
| Balwinder Sharma            |                                                                   | .. Petitioner  |
|                             | Versus                                                            |                |
| State of Punjab             |                                                                   | .. Respondent  |
| (25)                        | CWP-18197-2010 (O&M)                                              |                |
| Kamaljit Singh and others   |                                                                   | .. Petitioners |
|                             | Versus                                                            |                |
| State of Punjab and others  |                                                                   | .. Respondents |
| (26)                        | CWP-13651-2010 (O&M)                                              |                |
| Rohit Kumar and others      |                                                                   | .. Petitioners |
|                             | Versus                                                            |                |
| State of Punjab and others  |                                                                   | .. Respondents |
| (27)                        | CWP-4751-2015                                                     |                |
| Harwinder Singh and another |                                                                   | .. Petitioners |
|                             | Versus                                                            |                |
| State of Punjab and another |                                                                   | .. Respondents |
| (28)                        | CWP-15011-2015                                                    |                |
| Sandeep Kumar Chopra        |                                                                   | .. Petitioner  |
|                             | Versus                                                            |                |
| State of Punjab and another |                                                                   | .. Respondents |
| (206)                       | CM-4092-CWP-2021 and<br>CM-4093-CWP-2021 in/and<br>CWP-15103-2013 |                |
| Bhupinder Singh             |                                                                   | .. Petitioner  |
|                             | Versus                                                            |                |
| State of Punjab and others  |                                                                   | .. Respondents |

**CWP-12241-2010 (O&M) & connected cases    6****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Rajiv Atma Ram, Senior Advocate, with  
Mr. Sambhav Parmar, Advocate, and  
Mr. Barjesh Khosla, Advocate,  
for petitioner No.1 in CWP-12241-2010,  
petitioners No.1, 5 and 9 in CWP-18197-2010  
petitioners No. 2 and 3 in CWP-13651-2010  
petitioners No. 6 and 12 in CWP-18462-2010.

Mr. Shreesh Kakkar, Advocate, for  
Mr. Kapil Kakkar, Advocate, for the petitioners  
in CWP No.12241 of 2010, CWP No.20304 of 2011,  
CWP No.23952 of 2011, CWP No.20304 of 2011,  
CWP No.23952 of 2011.

Mr. Jatin Salwan, Advocate, for the petitioners  
in CWP Nos. 4256, 2860, 8338 and 14497 of 2011,  
CWP-18197-2010, CWP-4751-2015 and  
CWP-15011-2015.

Ms. Kavita Joshi, Advocate, for  
Mr. R.S. Randhawa, Advocate, for the petitioners  
in CWP-21973 of 2010.

Ms. Anu Malika, Advocate, for  
Mr. Sukhdev Kamboj, Advocate, for the petitioners  
in CWP Nos.2780 and 2811 of 2011 and  
CWP-18470-2010.

Mr. Atul Kaushik, Advocate, for the petitioners  
in CWP-12711-2011.

Mr. Aarish Kamboj, Advocate, for  
Mr. Ashok Kumar Sama, Advocate, for the petitioners  
in CWP-18127-2011 and CWP-12671-2011 and  
CWP-20117-2010.

Mr. Tejinder Pal Singh, Advocate, for the petitioners  
in CWP-18059-2011 and CWP-16332-2012.

Mr. Surmukh Singh, Advocate and  
Mr. Tirath Sandhi, Advocate, for the petitioners  
in CWP-20694-2010.

Mr. M.L. Sachdeva, Advocate, for the petitioners  
in CWP-19091-2010 and CWP-1453-2011.

Mr. Yogesh Chaudhary, Advocate, for the petitioners  
in CWP-19397-2009.

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Mr. Rajinder Singh Rangpuri, Advocate, for the petitioners  
in CWP-19344-2010.

Mr. P.S. Jammu, Advocate, for the petitioners  
in CWP-25741-2012.

Mr. Preetwinder Dhaliwal, Advocate, for the petitioners  
in CWP-18462-2010.

Mr. Jasbir Rattan, Advocate, for the petitioners  
in CWP-13651-2010.

Mr. Anubhav Bansal, Advocate, for  
Mr. Arun Bansal, Advocate, for the petitioners  
in CWP-15103-2013.

**HARSIMRAN SINGH SETHI J. (ORAL)****CM-4711-CWP-2024 in CWP-12241-2010**

Present application has been filed for placing on record the  
affidavit of Jaskaran Singh-petitioner No.1.

Keeping in view the averments made in the application, which  
are duly supported by an affidavit, the application is allowed subject to all  
just exceptions. Affidavit of petitioner No.1 Jaskaran Singh is taken on  
record.

**CM-4726-CWP-2024 in CWP-18462-2010**

Present application has been filed for placing on record the  
affidavit of Harpreet Kumar- petitioner No.6.

Keeping in view the averments made in the application, which  
are duly supported by an affidavit, the application is allowed subject to all  
just exceptions. Affidavit of petitioner No.6 Harpreet Kumar is taken on  
record.

**CM-4678-CWP-2024 in CWP-18197-2010**

Present application has been filed for placing on record the

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affidavit of Gurnand Singh-petitioner No.9.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed subject to all just exceptions. Affidavit of petitioner No.9 Gurnand Singh is taken on record.

**CM-4682-CWP-2024 in CWP-13651-2010**

Present application has been filed for placing on record the affidavit of Gursewak Singh-petitioner No.2.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed subject to all just exceptions. Affidavit of petitioner No.2 Gursewak Singh is taken on record.

**CM-4092-CWP-2021 in CWP-15103-2013**

Present application has been filed for listing the main writ petition.

Notice of the application has already been issued to the counsel opposite.

Learned State counsel raises no objection for the grant of prayer as raised in the present application.

Keeping in view the facts mentioned in the application, which are duly supported by an affidavit, the application is allowed subject to all just exceptions. On request of learned counsel for the parties, the main writ petition is taken up for hearing today itself.

**CWP-12241-2010 and connected cases**

1. By this common order, 29 writ petitions, the details of which have been given in the heading, are being disposed of as all these petitions

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involve the same question of law on similar facts.

2. In the present writ petitions, the grievance being raised by the petitioners is with regard to the appointment keeping in view the judgment of the Division Bench of this Court passed in ***CWP No.12275 of 2000 titled as Neelam Rani vs. State of Punjab and others, decided on 08.01.2010.***

3. Learned senior counsel appearing on behalf of the petitioners very fairly submits that keeping in view the subsequent judgment of this Court passed in ***CWP No.12953 of 2020 titled as Nidhi Sharma vs. State of Punjab and others, decided on 19.09.2024*** wherein, in view of the fact that 1978 Rules already stood amended as on 08.07.1995, it was held that there is one joint cadre of Master/Mistress, the respondents are bound to decide the claim of the petitioners keeping in view the said amendment dated 08.07.1995 coupled with the fact that the said amendment has already been upheld by this Court in ***Nidhi Sharma's case (supra)*** to mean that after the amendment, there is only one joint cadre and not the separate cadre between men and women in the cadre of Master/Mistress hence, against the posts which are lying vacant qua the amendment in question or even if the same have been filled up, the claim of the petitioners is to be considered keeping in view the amendment dated 08.07.1995 coupled with the upholding of the said amendment in ***Nidhi Sharma's case (supra)***.

4. Learned senior counsel appearing on behalf of the petitioners submits that the petitioners will file appropriate representation claiming the said benefit with the respondents and the respondents be directed to decide the said representation in a time bound manner so that the petitioners do not suffer any prejudice.

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5. Learned State counsel submits that in case any representation is received from the petitioners raising any grievance, the same will be looked into as per the facts of the case coupled with the settled principle of law on the said issue including the judgment in ***Nidhi Sharma's case (supra)*** and appropriate speaking order on the representation of the petitioners will be passed within a period of 12 weeks from the receipt of any such claim/representation.

6. Learned State counsel further submits that in case, it is found that the petitioners are entitled for any relief, the same will be extended to the petitioners otherwise due reasons will be mentioned in the speaking order to be passed for not accepting the claim of the petitioners, which reasons will be conveyed to the petitioners for their information and necessary action.

7. Learned counsel appearing on behalf of the petitioners submits that keeping in view the statement of learned State counsel, the present writ petitions may kindly be disposed of having been not pressed any further with liberty to the petitioners to file appropriate representation with the respondents.

8. Ordered accordingly.

9. Civil miscellaneous application pending if any, also stands disposed of.

10. A photocopy of this order be placed on the file of other connected cases.

**October 23, 2024**  
*harsha*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No